

REMARKS

Claim 21 has been added based on the disclosure at page 12, lines 11-12 and Fig. 4 in the specification.

Entry of the above amendment is respectfully requested.

Obviousness Rejection

On page 2 of the Office Action, in paragraph 3, claims 1-3, 7, 16, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kazumasa (JP7016956) in view of Pang (US 6,846,256).

In response, Applicants note initially that in the method for producing a bag with a mouth member according to claim 1, the tubular mouth member is set on the mouth member-rotator. Since the mouth member-rotator travels through the circuit, the tubular mouth member also travels through the circuit.

In contrast, the combination of Kazumasa and Pang does not teach or suggest the feature that the tubular mouth member travels through the circuit.

In addition, while the tubular mouth member is in the preheating step, the tubular mouth member is rotated around its cylinder axis in the present invention.

In contrast, while the method of Kazumasa includes a preheating step and a melting step, the tubular mouth member is not rotated around its cylinder axis in both the preheating step and the melting step. In Pang, the bolt is rotated in a step corresponding to the melting step in the present invention. However, Pang does not disclose the feature that the tubular mouth member is rotated around its cylinder axis in the preheating step. Therefore, it is impossible to achieve the claimed feature of rotating the tubular mouth member around its cylinder axis in the preheating step even when Kazumasa and Pang are combined.

In further detail, it is noted that independent claims 1 and 7, from which all remaining claims depend, describe a mouth-member rotator moving through a circuit affixed to an endlessly connected moving device (e.g., a conveyor belt). For example, the mouth member rotator of claim 1 travels through a circuit of preheating, inserting, pressing, cooling, and removing by the endlessly connected moving device. See, for example, claim 1 and page 12, lines 1-22.

Pang is directed toward a bottle rotating device for an induction cap sealer. Pang aims to provide bottle rotation to conventional processes in order to more evenly heat the sealing foil that is placed on a bottle to keep food fresh. See col. 1, lines 35-40. Specifically, the bottles in Pang are actuated to rotate by moving belt 29 of rotation device 20, while being transported on the conveyor belt 11 along heating element 13. See col. 4 and 5; figs. 1, 3 and 4.

Applicants traverse the rejection on the basis that the combined references do not fairly disclose all the claimed steps, or because the combination of references would change the principle operation of the primary reference. Specifically, the claimed mouth member-rotator *travels through a circuit* of preheating, inserting, pressing, and cooling and removing by the endlessly connected moving device. In contrast, Pang does not disclose the feature of traveling through a circuit as in the present invention. In this regard, the combination does not disclose each claimed feature.

Moreover, Applicants have added new claim 21, which further distinguishes over the cited art. In claim 21, to rotate the mouth member around its cylinder axis, the mouth member is fixed to a support member. Applicants submit that the cited art neither teaches nor suggests such a feature.

Thus, Applicants submit that the present invention is not obvious over Kazumasa in view of Pang, and withdrawal of this rejection is respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: November 16, 2009



Bruce E. Kramer
Registration No. 33,725